

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF NEW YORK : CIVIL TERM PART 4

3 M.H.,

Plaintiff,

4 - against -

(VIA MS TEAMS)

5 E.T. A/K/A E.M.,

Defendant.

6 INDEX NO. 161144/20

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60 Centre Street  
New York, New York  
September 13, 2022

9 BEFORE:

10 THE HON. FRANK P. NERVO, J.S.C.

12 APPEARANCES:

14 DANIEL SZALKIEWICZ & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
15 23 West 73rd Street - Suite 102  
New York, New York 10023  
16 BY: DANIEL SZALKIEWICZ, ESQ.

21 \* \* \*

24 JACK L. MORELLI  
Senior Court Reporter


## DECISION

1 THE COURT: Any further evidence to be  
2 presented?

3 MR. SZALKIEWICZ: No, Your Honor, just Exhibits  
4 1 through 13.

5 THE COURT: All right. The Court will of  
6 course, having reviewed the documents, grant counsel  
7 attorney's fees as requested. The Court will take  
8 judicial notice of the life expectancy data which has been  
9 provided. As I mentioned earlier, all the exhibits  
10 previously submitted have been deemed and received and  
11 marked in evidence.

12 The Court finds as follows after inquest: With  
13 respect to the plaintiff's request for damages, for  
14 compensatory damages for emotional distress, the Court  
15 awards the sum of \$350,000. With respect to past medical  
16 expenses the amount requested is granted, \$646.05. With  
17 respect to the future medical expenses the Court awards  
18 \$110,000. With respect to punitive damages the Court  
19 awards the amount requested of \$750,000. Regarding  
20 attorney's fees the Court awards the amount of \$25,000 as  
21 requested. The Court also awards expert fees in the  
22 amount of ~~\$1500~~ <sup>\$850.00</sup> as requested.

23  HON. FRANK P. NERVO  
J.S.C. MR. SZALKIEWICZ: Okay. Your Honor, we should  
24 submit a proposed judgment to the Court or --

25 THE COURT: Hold on one second, that's an

- J L M -

## DECISION

1 administrative question I have to explore.

2 (Pause)

3 THE COURT: Back on the record. In addition to  
4 the foregoing, the Court also will award plaintiff with  
5 costs and disbursements as assessed by the clerk.

6 MR. SZALKIEWICZ: And interest from today?

7 THE COURT: And interest from -- you're given  
8 interest from the date the matter was determined in your  
9 client's favor. You want from <sup>today</sup> ~~day~~? Fine. Interest from  
10 today's date, September 13, 2022.

11 MR. SZALKIEWICZ: Thank you very much.

12 THE COURT: Thank you very much. Good luck  
13 everybody.

14 MR. SZALKIEWICZ: Thank you. I appreciate it.

15 (Proceedings concluded)

16 CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPT.

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JACK L. MORELLI, CM, CSR

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SO ORDERED

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HON. FRANK P. NERVO

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J.S.C.  
Dated: September 15, 2022

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- J L M -